

IN THE UNITED STATES DISTRICT COURT

FILED

BILLINGS DIV.

FOR THE DISTRICT OF MONTANA

2007 DEC 11 AM 10 17

BILLINGS DIVISION

PATRICK E. DUFFIN, CLERK

BY

MARILYN L. GOSSENS,

CV-07-153-BLG-RFC

DEPUTY CLERK

Plaintiff,

vs.

ORDER ADOPTING FINDINGS
AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE

MICHAEL J. ASTRUE, Commissioner
of Social Security,

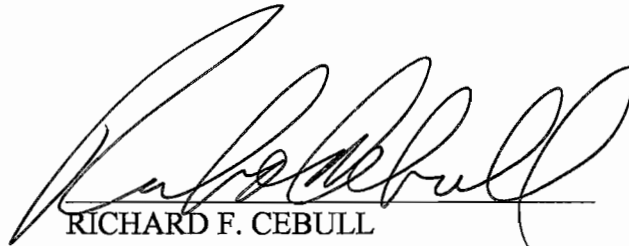
Defendant.

On November 16, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Anderson recommends Plaintiff's Motion to Proceed *In Forma Pauperis* be denied. In some cases, upon service of a Magistrate Judge's findings and recommendation, a party has ten days to file written objections. See 28 U.S.C. § 636(b)(1). However, in the present case Plaintiff is not allowed ten days to file written objections because the Magistrate Judge's authority to make the recommendation on this pretrial matter is derived from 28 U.S.C. § 636(b)(3), which does not provide a party ten days to file written objections with the district court. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998).

Upon review of the record and the applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed *In Forma Pauperis* (**Doc. #1**) is **DENIED**.

DATED the 11 day of December, 2007.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE